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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,784	06/30/2006	Erik Alexander Bijpost	2006_0395A	2571

513 7590 07/01/2011  
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Washington, DC 20005-1503

EXAMINER
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HOLLOMAN, NANNETTE

ART UNIT	PAPER NUMBER
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1612

NOTIFICATION DATE	DELIVERY MODE
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07/01/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com  
coa@wenderoth.com

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/574,784	<b>Applicant(s)</b> BIJPOST ET AL.
	<b>Examiner</b> NANNETTE HOLLOMAN	<b>Art Unit</b> 1612

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 May 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1-16.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Frederick Krass/ Supervisory Patent Examiner, Art Unit 1612	/N. H./ Examiner, Art Unit 1612
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Continuation of 11. does NOT place the application in condition for allowance because: Claims 1-8 and 10-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Nabiev et al. (SU 80661, English Translation). This rejection is maintained.

APPLICANT'S ARGUMENTS: Applicant argues the reference requires two steps to prepare the essential coating of an ammonium complex, whereas the claimed invention requires the single step of adding a carboxylic acid compound to the surface of urea granules. Applicant's arguments have been fully considered but they are not persuasive.

EXAMINER'S RESPONSE: As previously asserted, Nabiev et al. teaches spraying 100 g granular urea with 0.7 g succinic acid; wherein the succinic acid concentration is 30%, while stirring and then drying (p. 2, lines 22 and 23 and p.3, line 4). The instant claims recite a method with the open language "comprises"; therefore any steps in addition to those recited in the instant claims may also be performed. Therefore, Nabiev meets the limitation of the instant claims.

Claims 1-5 and 8-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Snartland (WO 99/15480). This rejection is maintained.

APPLICANT'S ARGUMENTS: Applicant argues the reference teaches the essential features of (1) treating urea granules with an acid, and then (2) treating with an ammonium complex to form a coating. Wherein the claimed invention does not require a second step of treating with an ammonium complex to form a coating, because a specific carboxylic acid of formula XY-(Z)-COOH is employed. Applicant further argues impermissible hindsight reasoning was used. Applicant's arguments have been fully considered but they are not persuasive.

EXAMINER'S RESPONSE: As previously asserted, Snartland et al. discloses coating urea to reduce dust formation and caking during handling and storage; wherein the method comprises applying an aqueous solution of a mineral acid, such as citric acid, which meets the limitation of the claimed carboxylic acid of formula XY-(Z)-COOH of instant claim 1. The instant claims recite the method "comprises", which does not limit the steps used, therefore, any steps in addition to those recited in the instant claims may also be performed. The reference discloses Applicant's method of applying a carboxylic acid to urea granulates, therefore impermissible hindsight reasoning was not used.

Claim 16 was rejected under were rejected under 35 U.S.C. 103 (a) as being unpatentable over Nabiev et al. (SU 80661, English Translation) in view of Christoffel et al. (US Patent No. 3,392,007).

APPLICANT'S ARGUMENTS: Applicant argues the Christoffel reference provides no reason or rationale to omit the second step of treating with an ammonium complex to form a shell coating as taught by Nabiev. Applicant's arguments have been fully considered but they are not persuasive.

EXAMINER'S RESPONSE: As stated in the response above in regard to Nabiev, the instant claims do not limit any steps or components in the method. Christoffel was used to disclose that coating urea is preferable at a temperature of 25-90C, therefore providing the motivation to use a range known in the art for coating fertilizers. Nabiev in view of Christoffel meet the limitation of the instant claim.

Claim 16 was rejected under were rejected under 35 U.S.C. 103 (a) as being unpatentable over Snartland (WO 99/15480) in view of Christoffel et al. (US Patent No. 3,392,007).

APPLICANT'S ARGUMENTS: Applicant argues the Christoffel reference provides no reason or rationale to omit the second step of treating with an ammonium complex to form a shell coating as taught by Snartland. Applicant's arguments have been fully considered but they are not persuasive.

EXAMINER'S RESPONSE: As stated in the response above in regard to Snartland, the instant claims do not limit any steps or components in the method. Christoffel was used to disclose that coating urea is preferable at a temperature of 25-90C, therefore providing the motivation to use a range known in the art for coating fertilizers. Snartland in view of Christoffel meet the limitation of the instant claim.